

ORDINANCE NO. 95-59

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED, AMENDING THE TRAFFIC CIRCULATION ELEMENT, INCLUDING THE THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP DELETING STATE ROAD 7, NORTH OF THE BEE LINE HIGHWAY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 23, June 30, July 14 and July 28, 1995, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 26 and August 15, 1995, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163,

1 Part II, Florida Statutes; and

2 . WHEREAS, Palm Beach County received on November 6, 1995, the
3 Department of Community Affairs "Objections, Recommendations, and
4 Comments Report," dated November 2, 1995, which was the
5 Department's written review of the proposed Comprehensive Plan
6 amendments; and

7 WHEREAS, on December 1, 1995, the Palm Beach County Local
8 Planning Agency held a public meeting to review the written
9 comments submitted by the Department of Community Affairs, the
10 Planning Division's response to the written comments, and to make
11 recommendations regarding adoption of the Comprehensive Plan
12 amendments; and

13 WHEREAS, on December 6, 1995, the Palm Beach County Board of
14 County Commissioners held a public hearing to review the written
15 comments submitted by the Department of Community Affairs and to
16 consider adoption of the amendments; and

17 WHEREAS, the Palm Beach County Board of County Commissioners
18 has determined that the amendments as modified satisfy the concerns
19 addressed in the Department of Community Affairs' "Objections,
20 Recommendations and Comments Report" and comply with all
21 requirements of the Local Government Comprehensive Planning and
22 Land Development Regulations Act.

23 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
24 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

25 Part I. Amendment to the 1989 Comprehensive Plan

26 An Amendment to the Traffic Circulation Element including the
27 Thoroughfare Right of Way Identification Map pertaining to State
28 Road 7 (S.R.-7) is hereby adopted and is attached to this Ordinance
29 in Exhibit 1.

30 Part II. Repeal of Laws in Conflict

31 All local laws and ordinances applying to the unincorporated
32 area of Palm Beach County in conflict with any provision of this

1 ordinance are hereby repealed to the extent of such conflict.

2 Part III. Severability

3 If any section, paragraph, sentence, clause, phrase, or word
4 of this Ordinance is for any reason held by the Court to be
5 unconstitutional, inoperative or void, such holding shall not
6 affect the remainder of this Ordinance.

7 Part IV. Inclusion in the Code of Laws and Ordinances

8 The provision of this Ordinance shall become and be made a
9 part of the code of laws and ordinances of Palm Beach County,
10 Florida. The Sections of the Ordinance may be renumbered or
11 relettered to accomplish such, and the word "ordinance" may be
12 changed to "section," "article," or any other appropriate word.

13 Part V. Effective Date

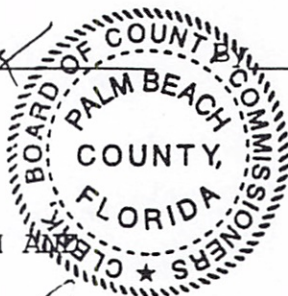
14 The effective date of this plan amendment shall be the date a
15 final order is issued by the Department of Community Affairs or
16 Administration Commission finding the amendment in compliance in
17 accordance with Section 163.3184, Florida Statutes, whichever
18 occurs earlier. No development orders, development permits, or
19 land uses dependent on this amendment may be issued or commence
20 before it has become effective. If a final order of noncompliance
21 is issued by the Administration Commission, this amendment may
22 nevertheless be made effective by adoption of a resolution
23 affirming its effective status, a copy of which resolutions shall
24 be sent to the Department of Community Affairs, Bureau of Local
25 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

1 **APPROVED AND ADOPTED** by the Board of County Commissioners of
2 Palm Beach County, on the 6 day of December, 1995.

3 **ATTEST:**
4 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

5 By: Joan Hawley
6 Deputy Clerk



[Signature]
Chair

7 **APPROVED AS TO FORM AND**
8 **LEGAL SUFFICIENCY**

9 [Signature]
10 COUNTY ATTORNEY

11 Filed with the Department of State on the 13th day
12 of December, 1995.

13 J:\COMMON\PLANNING\CURRENT\AMEND\ROUND952\ADOPT\SR-7.ORD

EXHIBIT 1

Proposed amendments are shown with additions in an underline format and deletions in a ~~strike-through~~ format.

1. Traffic Circulation Element, Part V. (Issues and Opportunities), Section B. (New Projects), page 54-TC:

State Road 7 (SR-7) is an important existing facility and is projected to be a critical north/south travel corridor functioning as a reliever to Interstate 95 and Florida's Turnpike. The County should make the northerly extension of this facility a priority and begin a concentrated effort not only to protect the required right-of-way but to see that the facility is constructed. Before the currently proposed extension of SR 7 north of Okeechobee Boulevard can be constructed, protection of the wetlands and surrounding environment must be given special consideration and all necessary permits must be obtained from the appropriate agencies.

Before SR-7 north of the Beeline Highway (State Road 710) can be constructed, an agreement must be reached over the alignment of the roadway. The alignment as depicted at the time the Palm Beach County Comprehensive Plan was adopted is no longer viable, due to adverse impacts on the natural environment and the Jupiter Farms neighborhood. Further, the "northerly" alignment no longer has continuity with the alignment as depicted in the Martin County Long Range Thoroughfare Right-of-Way Plan. By Comprehensive Plan amendment, the Martin County Board of County Commissioners deleted their "easterly" alignment of State Road 7 from their Long Range Thoroughfare Right-of-Way Plan, and adopted a Policy calling for a "westerly" alignment. For these reasons, the Thoroughfare Right of Way Identification Map does not reflect an alignment for State Road 7 north of the Beeline Highway. However, when the alignment for State Road 7 is finalized, the County shall amend its Thoroughfare Right-of-Way Identification Map to reflect the alignment of the roadway north of the Beeline Highway (State Road 710).

2. Traffic Circulation Element, Map 5-A, Thoroughfare Identification Map:

The routing, north of the Beeline Highway, as depicted in Figure 1 is deleted as shown in Figure 2.

3. Traffic Circulation Element, Policy 10-d, page 19-TC:

Policy 10-d: The County shall move forward with the extension of State Road 7 northward from its terminus at Okeechobee Boulevard if permits can be obtained. The County shall give special consideration to protecting wetlands and surrounding, environmental concerns when obtaining necessary permits from appropriate agencies. ~~The current~~ An alignment and environmental study shall be completed ~~by July 1993~~ within a reasonable period. Median openings and connections should be restricted consistent with a high speed rural arterial, however, consideration shall be given to existing connections and platted lots.

The alignment for State Road 7 has not yet been finalized by the Florida Department of Transportation. Palm Beach County, in cooperation and coordination with the F.D.O.T., other affected local governments and parties, shall identify a new alignment for State Road 7 from the Beeline Highway north to the Palm Beach County and Martin County line. Upon completion of the study, Palm Beach County shall, by Comprehensive Plan amendment, amend its Thoroughfare Right-of-Way Identification Map and, if appropriate, 2010 Interim Transportation System Plan to reflect its results.

THOROUGHFARE RIGHT-OF-WAY
IDENTIFICATION MAP
(EXISTING CONDITIONS)

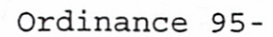
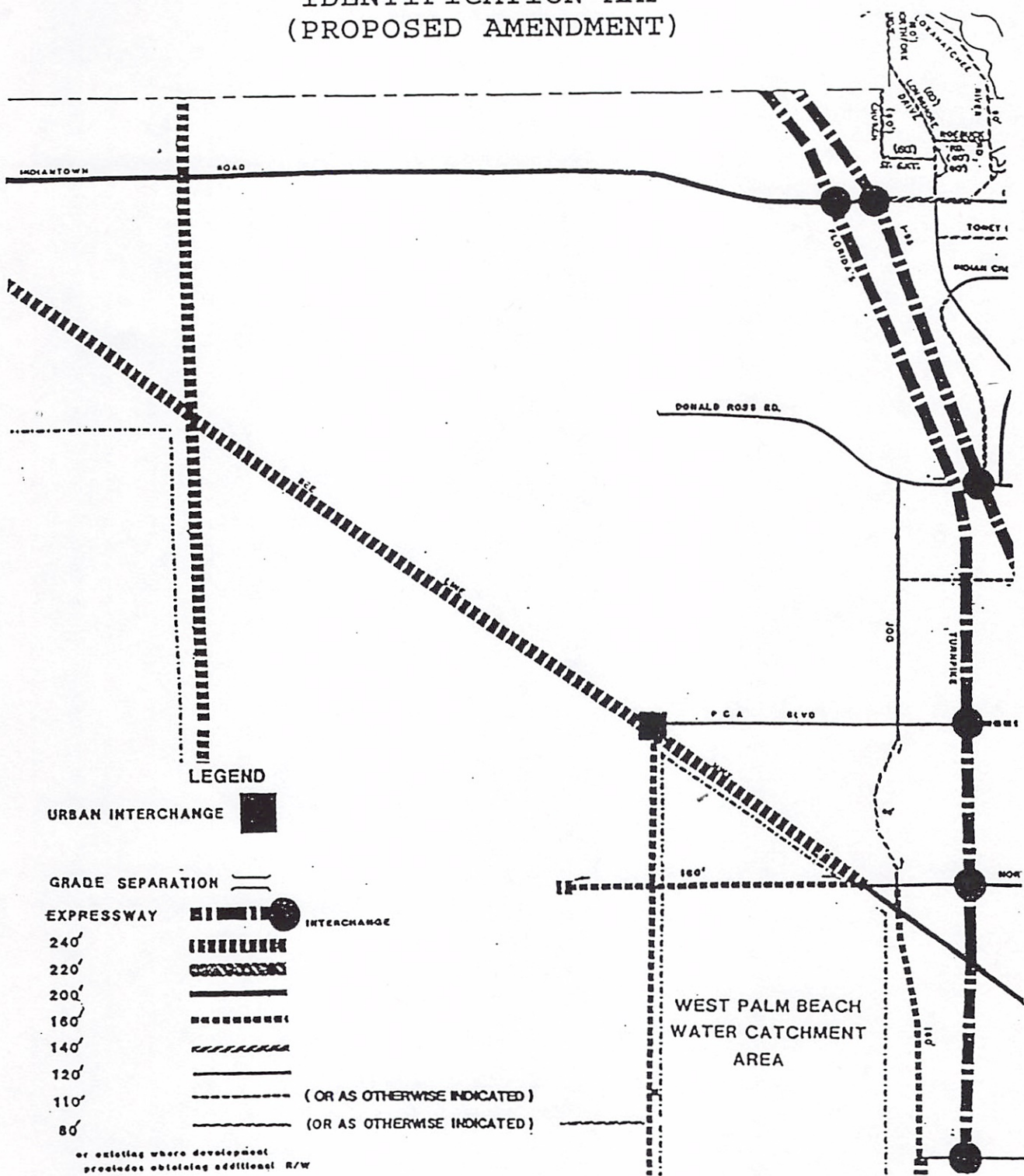


FIGURE 2

THOROUGHFARE RIGHT-OF-WAY
IDENTIFICATION MAP
(PROPOSED AMENDMENT)



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 12/16/95
DATED at West Palm Beach, FL on 12/19/95
DOROTHY H. WILKEN, Clerk
By Phyllis A. House D.C.